

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3095
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
JOSEPH J. KISER,)	
)	
Defendant.)	

Defendant has been previously represented by appointed counsel and is currently represented by retained counsel. Defendant has filed a notice of appeal (filing 69) and has submitted a financial affidavit. I interpret the portion of the notice of appeal providing that Defendant's financial status warrants appointment of counsel and the submission of the financial affidavit to be a motion for leave to appeal in forma pauperis. I will order that the financial affidavit be filed under seal. I find that the appeal appears to be taken in good faith and that the financial affidavit supports the motion for leave to appeal in forma pauperis, and will grant the motion.

IT IS ORDERED:

1. The financial affidavit presented to the Clerk of Court shall be filed under seal; and
2. The appeal appears to be taken in good faith and Defendant's motion for leave to appeal in forma pauperis (filing 69) is granted.

July 10, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge